

REMARKS

Claim 2 has been amended to resolve an issue raised by the Examiner under 35 U.S.C. 112, second paragraph. Claim 5 has been amended based on, e.g., the disclosure at pages 8-9 and in the examples. Claim 6 has been amended to more clearly distinguish the invention claimed therein from that recited in claim 5 and thereby resolve an objection raised by the Examiner that claim 5 is a substantial duplicate of claim 6. Claim 7 has been amended to resolve an objection raised by the Examiner under 37 C.F.R. 1.75(c). Claim 8 has been amended to adopt a suggestion made by the Examiner and thereby resolve an objection raised by the Examiner.

Entry of the above amendments is respectfully requested.

Priority

Preliminarily, Applicants note that on the Office Action Summary, the Examiner has neither acknowledged Applicants' claim for foreign priority nor indicated that a copy of the certified copy of the priority document has been received from the International Bureau. Since priority was claimed when the application was filed, and since a copy of the certified copy of the priority document has been received from the International Bureau (the Notice of Acceptance indicates receipt, and a copy of the certified copy of the foreign priority document is shown in the PTO's PAIR system as having mailroom date of October 17, 2005), Applicants respectfully request the Examiner to acknowledge their claim for foreign priority and indicated receipt of a copy of the certified copy of the priority document from the International Bureau.

Objection to Claim 5

On page 2 of the Office Action, in paragraph 1, the Examiner has objected to claim 5 under 37 C.F.R. 1.75 as being a substantial duplicate of claim 6.

In response, Applicants note that in claim 5, a solution of parahydroxybenzoic acid in an aqueous solvent is prepared, and then the solution is heated at a temperature equal to or above the transition temperature of parahydroxybenzoic acid so that crystalline parahydroxybenzoic acid anhydride is precipitated. In contrast, in claim 6, a dispersion of parahydroxybenzoic acid monohydrate in an aqueous solvent is heated at a temperature equal to or above the transition temperature of parahydroxybenzoic acid so that the parahydroxybenzoic acid monohydrate is changed into crystalline parahydroxybenzoic acid anhydride without the need to provide a solution. Then, the thus produced crystalline parahydroxybenzoic acid anhydride is isolated at a temperature above the transition temperature of parahydroxybenzoic acid. In order to distinguish the method recited in claims 5 and 6 from each other more clearly, Applicants have amended those claims as shown above.

Thus, Applicants submit that claims 5 and 6 are not substantial duplicates, and withdrawal of this objection is respectfully requested.

Objection to Claim 7

On page 2 of the Office Action, in paragraph 2, the Examiner has objected to claim 7 under 37 C.F.R. 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and/or cannot depend from any other multiple dependent claim.

In response, Applicants note initially that original claim 7 was a proper multiple dependent claim because it referred to other claims in the alternative only (see, e.g., the third claim example in "A. Acceptable Multiple Dependent Claim Wording" in MPEP 608.01(n)I. at page 600-86 in the Rev. 5, Aug. 2006 edition of the MPEP, which basically corresponds in form to original claim 7) and did not depend from any other multiple dependent claim (claims 1-6 are singly dependent claims).

However, to resolve this issue and thereby expedite allowance of the present application, Applicants have amended claim 7 so that it more clearly refers to other claims in the alternative through the use of the term "or".

Applicants note, though, that if the Examiner issues another Office Action, it should be a non-final Office Action, since original claim 7 was a proper multiple dependent claim that improperly was not examined.

In view of the above, Applicants submit that the objection to claim 7 has been overcome, and withdrawal of this objection is respectfully requested.

Objection to Claim 8

On page 2 of the Office Action, in paragraph 3, the Examiner has objected to claim 8 because of an informality.

In response to this objection, Applicants have amended claim 8 in accordance with the suggestion made by the Examiner.

Thus, Applicants submit that the objection has been overcome, and withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. 112, Second Paragraph

On page 3 of the Office Action, in paragraphs 2 and 3, claim 2 is rejected under 35 U.S.C. § 112, second paragraph.

The Examiner has raised an indefiniteness issue regarding the recitation of "a temperature" and an antecedent basis issue regarding the recitation of "said temperature".

In response, Applicants submit that in claim 2, "a temperature" means a temperature between "the transition temperature of parahydroxybenzoic acid" and "30°C higher than the transition temperature". Accordingly, Applicants have amended claim 2 to clarify this point and resolve the issues raised by the Examiner.

Thus, Applicants submit that claim 2 satisfies the requirements of 35 U.S.C. 112, second paragraph, and withdrawal of this rejection is respectfully requested.

Anticipation Rejection

On page 4 of the Office Action, in paragraph 5, claims 1-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Cocco (U.S. Patent No. 4,815,498).

In response, Applicants note initially that according to the present invention, both the precipitation and isolation processes are conducted at a temperature equal to or above the transition temperature.

Applicants submit that in Cocco's US 4,814,498, the "reaction" in column 3, lines 54-55 means the reaction between di-potassium/potassium salt of parahydroxybenzoic acid and the strong acid. According to Cocco, the step of separating the precipitated parahydroxybenzoic acid from the reaction is conducted after the time "when the reaction is completed" (see column

4, lines 26-27). With respect to the temperature of the separating step, the Example in Cocco discloses isolating the compound at 40°C. As can be seen from the instant application, the parahydroxybenzoic acid isolated from aqueous medium at 40°C will be parahydroxybenzoic acid monohydrate. Accordingly, Applicants submit that the cited reference does not even suggest the instant invention.

Further, in order to show the fact that the crystalline parahydroxybenzoic acid anhydride obtained by the method of Cocco's US '498 is different from that recited in claims 8-10 of the present application, Applicants submit herewith a Rule 132 Declaration executed by Shigeji Mori. As can be seen from Table 1 on page 2 in the Declaration, the physical properties of the product according to Cocco do not meet the requirements recited in present claims 8-10.

Thus, Applicants submit that the present invention is not anticipated by (or obvious over) Cocco. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

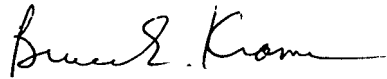
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/553,451

Attorney Docket No.: Q90949

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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